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SUBJECT: APRIL 14 SESSION OF GRANVILLE/ABBAS MURDER TRIAL

¶1. (SBU) SUMMARY: On April 14, 2009, five U.S. Embassy Foreign Service National (FSN) employees from the Regional Security Office, Political/Economic and Public Affairs sections attended the trial of five Sudanese men accused in the January 1, 2008 murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas. The April 13 session was cancelled because of the execution of nine Sudanese men charged with a high-profile 2006 murder of a prominent journalist. The execution occurred at Kober prison, the same facility where the Granville/Abbas murder trial defendants are being held. CID officials informed the RSO that due to security concerns, all prisoner transportation requests are denied on the day executions are carried out.

¶2. (SBU) The defense only called one witness to testify, a market owner who witnessed the arrest of Abd Al-Ra'ouf. The market owner told the court that he had received two threatening phone calls made by someone identifying himself as belonging to a Sudanese security organization. The caller told him that he would be arrested if he testified for the defense. After this witness' testimony, the defense panel informed the judge that their previous witness, Captain Abdorabbo from the Sudanese Military Industrial Corporation, had also been arrested after he testified for the defense on April 12. A representative from the Sudanese Armed Forces (SAF) Legal Department was present at the session, and requested that the court provide one week's notice before another SAF officer is required to testify. While the judge did not address the SAF officer's detention, he told the market owner that he would issue an order for the police to ensure his protection. The next trial sessions are scheduled for April 22 and 23. END SUMMARY.

¶3. (U) The trial of the five Sudanese men accused of the January 1, 2008 terrorist murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas continued on April 14, 2009. The April 13 session was cancelled because of executions being carried out at Kober Prison where the defendants are being held. The prosecution was represented by Chair Mohamed Mustafa Musa, Juma Al Wakul Al-Asir, and Granville family attorney Taha Ibrahim. Abbas family attorney, Ismail Abu Sugra, was absent. Neither the Defense Chair nor the Deputy Chair was present. The Defense was represented by Ahmed Abu Agla, Jamal Altahir, and Wajdi Salih.

¶4. (U) The defense called Abbas Ahmed Abbas, a 39 year-old merchant who owns a food market at Fitihaib Square #8 in Omdurman. Abbas testified that he saw Abd Al-Ra'ouf walking near his market when three men approached Abd Al-Ra'ouf, grabbed his arm, twisted it behind his back, and pushed him to the ground. One of the men approached Abbas and asked permission to bring Abd Al-Ra'ouf inside his market. Abbas said it was clear to him that the men were National Intelligence and Security Service (NISS) officers and not a criminal gang. The security men were soon joined by two additional officers armed with AK-47s. Abbas said the senior-ranking security officer wore a white jalabiya, the next in command was dressed in a safari suit, and the three remaining men wore ordinary shirts and trousers. Abbas said he could tell who was in charge by listening

to the conversation among the security team. The man dressed in the white jalabiya told the two men with AK-47s to step inside the shop and to hide their weapons. .

¶15. (U) Abbas said the NISS officers took Abd Al-Ra'ouf's phone from him and asked him repeatedly, "Where did this group drop you? Where were they taking you?" At first Abd Al-Ra'ouf would not reply, but according to Abbas he eventually told the NISS officers, "These people dropped me here, but I do not know them, and I do not have their telephone numbers." One of the men armed with an AK-47 pulled out a pistol and held it to Abd Al-Ra'ouf's head. Another grabbed Abd Al-Ra'ouf's chin, raised him off the ground by his jaw, and then dropped him back down. He began slapping Abd Al-Ra'ouf in the face, before another NISS officer pulled him off, and said, "Don't slap him. We know how to make him talk."

¶16. (U) Abbas testified the NISS officers drove their vehicles behind his market and led Abd Al-Ra'ouf out the rear of his shop to a Toyota Hilux double-cabin pick-up truck with tinted windows.

¶17. (U) After relaying his observations of Abd Al-Ra'ouf's arrest, Abbas told the court that three days earlier an unnamed attorney and Abd Al-Ra'ouf's brother came to visit him at his market. The attorney asked Abbas if he was willing to be a defense witness. The following day around 3:00 p.m., Abd Al-Ra'ouf's brother delivered the court paper requiring Abbas to testify on April 13 for Abbas' signature. At approximately 6:00 p.m., three hours after Abd Al-Ra'ouf's brother departed, Abbas said he received a call from an unknown person. The caller said, "Look, are you going to be a witness for these people? How much did they pay you? I am from a security organization. I know you are a good man from Shendi. You are a Jaali (Arab tribe in northern Sudan.) Do not get involved in this case. If you testify we will come after you immediately."

¶18. (U) Abbas testified that he did not realize the April 13 session had been cancelled until after he went to the courthouse. After he returned home, Abbas received a call from the same individual who said to him, "We are following you, and we know you went to the courthouse today."

¶19. (U) Judge al-Badri told Abbas that he would immediately issue a notice to all Sudanese security organizations instructing them to ensure his protection. Abbas told the judge that he was not an associate of Abd Al-Ra'ouf, had never seen him before the arrest, and had no contact with him afterwards. The judge assured Abbas that no harm would be done to him.

¶110. (U) At the conclusion of Abbas' testimony, an officer with the rank of major from the SAF Legal Department approached the bench, and asked the judge to provide SAF a one week notice before calling any other SAF officer to testify before the court. Defense Attorney Wajdi Salih objected. Wajdi told Judge al-Badri that if Captain Mohammed Abdelgader Abdorabo was present at the courthouse then the defense would like to continue with his testimony. Wajdi also told the judge that he received a call from one of Captain Abdorabo's family members who said Abdorabo was arrested immediately after testifying for the defense at the last session, and had been held until midnight on the night of April 12. He was allowed to return home for the evening, but was required to report at 6:00 a.m. the following morning to be confined to quarters again for the entire day. The prosecution panel told the defense that if they needed a SAF officer's testimony in the future, they should send a written request to their legal department.

¶111. (U) Judge al-Badri adjourned the trial until its next sessions on April 22 and 23.

FERNANDEZ